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Fax Transmission | November 9, 2004

TO: Commissioner for Patents  
Patent Examining Corps  
Facsimile Center  
Alexandria, VA 22313-1450

FROM: Robert A. Kalinsky

OUR REF: MS 150530.1/40062.69US01  
TELEPHONE: 612.336.4771USPTO Centralized Facsimile No.: 1-703-872-9306Total pages, including cover letter: 5.

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Title of Document Transmitted: 1. Amendment and Response to Office Action mailed August 27, 2004.

Applicant: **Rodrigues et al.**  
Serial No.: **09/606,961**  
Filed: **June 29, 2000**  
Group Art Unit: **2122**Our Ref. No.: **MS 150530.1/40062.69US01**  
Confirmation No.: **7182**  
Customer No.: **23552**

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By: Robert A. Kalinsky  
Name: Robert A. Kalinsky  
Reg. No.: 50,471  
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I hereby certify that this paper is being transmitted by facsimile to the U.S. Patent and Trademark Office on the date shown below.

Robert A. Kalinsky  
Signature Robert A. KalinskyNovember 9, 2004  
Date

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S/N 09/606,961

PATENT

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant:	Rodrigues et al.	Examiner:	Eric B. Kiss
Serial No.:	09/606,961	Group Art Unit:	2122
Filed:	June 29, 2000	Docket No.:	MS 150530.1/40062.69US01
Customer No.:	23552	Confirmation No.:	7182
Title:	Performance Markers to Measure Performance of Features in a Program		

CERTIFICATE UNDER 37 CFR 1.6(d):

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By:

*Robert A. Kalinsky*

Name: Robert A. Kalinsky

AMENDMENT AND RESPONSE

Mail Stop Amendment  
Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

Dear Sir:

In response to the non-final Office Action mailed on August 27, 2004, please consider and enter the following amendments and remarks. Claims 1-27 are pending in the application.

**Amendments to the Specification** begin on page 2 of this paper.

**Remarks/Arguments** begin on page 3 of this paper.